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6 Attorneys for Plaintiffs
7 EDRICK HARVEY, MARY
OCTAVIA DORROUGH and
minors AS and RH.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDRICK HARVEY individually and
MARY OCTAVIA DORROUGH as
guardian ad litem for minors AS and RH.

Plaintiffs

17 CITY OF ANTIOCH, ANTIOCH POLICE
18 DEPARTMENT, POLICE CHIEF JAMES
19 HYDE, ACTING ANTIOCH POLICE
20 CHIEF ALLAN CANTANDO,
21 DETECTIVE JAMES STENGER,
22 DETECTIVE MICHAEL MELLONE,
23 DETECTIVE D. BITTNER (Badge 3252),
24 DETECTIVE WISECARVER (Badge
number unknown), DETECTIVE
MORTIMER (Badge number unknown);
CITY OF PITTSBURG, PITTSBURG
POLICE DEPARTMENT, POLICE CHIEF
AARON L. BAKER, and DOES 1 to 100.

CV 11

Case No.

4986

**PETITION FOR APPOINTMENT OF
GUARDIAN AD LITEM FOR "RH," A
MINOR; STATEMENT OF COUNSEL;
CONSENT OF NOMINEE; AND
[PROPOSED] ORDER**

Defendants.

PETITION BY PARENT OF MINOR UNDER AGE 14

1 Petitioner EDRICK HARVEY states as follows:

2 1. I am the natural mother and guardian of RH, who is currently over the age of 12
3 years.

4 2. RH is about to commence an action in this court against the defendants listed
5 above.

6 3. RH's claims against these defendants resulted from injuries he suffered. A copy of
7 the complaint is being filed with this petition.

8 4. RH has no general guardian and no previous petition for appointment of a guardian
9 ad litem has been filed in this matter.

10 5. I am not personally seeking to be appointed as guardian ad litem for RH, because I
11 am also a plaintiff in this litigation, and I have been advised that Court's often do not like to
12 appoint someone to be a child's guardian ad litem if that person has his or her own personal
13 claims.

14 5. My natural aunt, MARY OCTAVIA DORROUGH, is a competent adult and a
15 responsible person. She is fully competent to act as RH's guardian ad litem for purposes of this
16 litigation until he becomes 18 years old.

17 6. I request that the Court appoint MARY OCTAVIA DORROUGH as guardian ad
18 litem for my son RH.

19
20 Dated: October 5, 2011

21 By:



22
23 EDRICK HARVEY

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25 ///
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STATEMENT OF COUNSEL

I, Quinton B. Cutlip, state:

1. I am an attorney at law who is duly licensed to practice before the courts of the State of California. I am also admitted to practice before the United States District Court for the Northern District of California. I am an associate with the Dolan Law Firm, the attorneys of record for the Plaintiffs in this action.

2. As indicated in the consent attached, hereto, MARY OCTAVIA DORROUGH has consented to act as guardian ad litem for "RH."

3. It has been my experience that some courts disfavor appointing a person as guardian ad litem for a child if that person also has his or her own individual claims in the litigation. MARY OCTAVIA DORROUGH was chosen to be guardian ad litem because she does not have any other interest in this litigation or individual claim for damages in this action. "RH's" natural mother, EDRICK HARVEY, was also a victim of Defendants' tortious acts and is an individually named plaintiff in this action. She, therefore, requests that the Court appoint MARY OCTAVIA DORROUGH as guardian ad litem of petitioner "RH."

4. WHEREFORE, Petitioner moves this court for an order appointing MARY OCTAVIA DORROUGH as guardian ad litem of petitioner "RH" for the purpose of bringing and maintaining an action against the defendants identified above.

Dated: October 5, 2011

THE DOLAN LAW FIRM

By

Quinton B. Cutlip
EDRICK HARVEY, MARY OCTAVIA
DORROUGH and minors AS and RH.

1 **CONSENT OF NOMINEE**

2 I, MARY OCTAVIA DORROUGH, the nominee of the Petitioner, consent to act as
3 guardian ad litem for niece RH until she turns 18 years of age or until this action is concluded,
4 whichever is first.

5
6
7 Dated: October 5, 2011

By: Mary Octavia Dorrough
MARY OCTAVIA DORROUGH

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9
10 **ORDER**

11 The petition for an order appointing MARY OCTAVIA DORROUGH as guardian ad litem
12 for petitioner "RH" is GRANTED.

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14 IT IS SO ORDERED.

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16 Dated: 10/26/2011

17 By: _____
18 Judge of the United States District Court for the
19 Northern District of California.
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